

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH LEE TAYLOR,  
  
Plaintiff,  
  
v.  
  
K. ALLISON, et al.,  
  
Defendants.

No. 2:21-cv-00831-DAD-EFB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
CERTAIN CLAIMS AND DEFENDANTS

(Doc. No. 34)

Plaintiff Kenneth Lee Taylor is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 12, 2022, the assigned magistrate judge screened plaintiff's third amended complaint ("TAC") and found that plaintiff had stated cognizable Eighth Amendment deliberate indifference claims against defendants S. Fears, F. Casillas, and Anise Adams, but that plaintiff had failed to state any other cognizable claims against those defendants and failed to state any cognizable claims against the other four defendants named in plaintiff's TAC: L. Nisay; H. Nasher; Dr. South; and Lt. Ratliff. (Doc. No. 34.) Specifically, the magistrate judge found that the TAC "alleges, for screening purposes, a potentially cognizable Eighth Amendment deliberate indifference claim against defendants Fears and Casillas for moving Covid-positive inmates into plaintiff's housing unit and against defendant Adams for being deliberately indifference to

1 plaintiff's risk of infection." (*Id.* at 3.) Accordingly, the magistrate judge issued findings and  
2 recommendations recommending that this case proceed only on those claims found to be  
3 cognizable in the screening order but that all other claims and defendants L. Nisay, H. Nasher, Dr.  
4 South, and Lt. Ratliff be dismissed. (*Id.*) The pending findings and recommendations were  
5 served on plaintiff and contained notice that any objections thereto were to be filed within  
6 fourteen (14) days after service. (*Id.*) To date, no objections have been filed and the time in  
7 which to do so has now passed.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings  
10 and recommendations to be supported by the record and by proper analysis.

11 Accordingly:

- 12 1. The findings and recommendations issued on September 12, 2022 (Doc. No. 34)  
13 are adopted in full;
- 14 2. This action proceeds only on plaintiff's Eighth Amendment deliberate indifference  
15 claim against defendants S. Fears and F. Casillas for moving Covid-positive  
16 inmates into plaintiff's housing unit, and plaintiff's Eighth Amendment deliberate  
17 indifference claim against defendant Anise Adams for being deliberately  
18 indifferent to plaintiff's risk of contracting Covid-19;
- 19 3. All other claims and named defendants are dismissed;
- 20 4. The Clerk of the Court is directed to update the docket to reflect the following:
  - 21 a. Plaintiff did not name defendants K. Allison and R. Burton in the operative  
22 third amended complaint, and thus those defendants are terminated from  
23 this action as of July 28, 2022;
  - 24 b. Plaintiff named the following additional defendants in his the third  
25 amended complaint: L. Nisay, H. Nasher, and Dr. South;
  - 26 c. Defendants L. Nisay, H. Nasher, Dr. South, and Lt. Ratliff have been  
27 terminated as named defendants in this action as of the date of entry of this  
28 order; and

1 d. The only remaining defendants are S. Fears, F. Casillas, and Anise Adams;

2 5. This action is referred back to the assigned magistrate judge for further  
3 proceedings.

4  
5 IT IS SO ORDERED.

6 Dated: November 3, 2022

  
UNITED STATES DISTRICT JUDGE